

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## JERRY LYNN DAVIS.

**Plaintiff,**

V.

**DEPARTMENT OF CORRECTIONS,  
et al.,**

### Defendants.

CASE NO. C20-5433 BHS

**ORDER GRANTING PLAINTIFF'S  
UNOPPOSED MOTION TO  
AMEND COMPLAINT**

This matter comes before the Court on Plaintiff Jerry Davis's unopposed motion to amend complaint. Dkt. 59. The Court has considered the motion and the remainder of the file and hereby grants the motion for the reasons stated herein.

Davis sued the Washington Department of Corrections and individually-named Defendants, primarily alleging deliberate indifference to his serious medical needs while incarcerated. Dkt. 2. Davis seeks to amend his complaint to conform his claims to evidence revealed in discovery and to replace a previously-named Doe defendant with Timothy Taylor, who was allegedly directly involved with Davis's deprivation of medical care. Dkt. 59. Defendants did not file any opposition to Davis's motion.

Leave to amend a complaint under Fed. R. Civ. P. 15(a) “shall be freely given when justice so requires.” *Carvalho v. Equifax Info. Services, LLC*, 629 F.3d 876, 892 (9th Cir. 2010) (citing *Forman v. Davis*, 371 U.S. 178, 182 (1962)). This policy is “to be applied with extreme liberality.” *Eminence Cap., LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003) (citations omitted). In determining whether to grant leave under Rule 15, courts consider five factors: “bad faith, undue delay, prejudice to the opposing party, futility of amendment, and whether the plaintiff has previously amended the complaint.” *United States v. Corinthian Colls.*, 655 F.3d 984, 995 (9th Cir. 2011) (emphasis added). Among these factors, prejudice to the opposing party carries the greatest weight. *Eminence Cap.*, 316 F.3d at 1052.

Defendants have made no showing of bad faith, undue delay, prejudice, or futility, and Davis has not previously amended the complaint. Thus, Davis's motion for leave to amend, Dkt. 59, is **GRANTED**.

14 Davis shall file the amended complaint no later than June 4, 2021.

## **IT IS SO ORDERED.**

16 Dated this 20th day of May, 2021.

  
BENJAMIN H. SETTLE  
United States District Judge